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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,432	12/28/2000	Lynh Nguyen	ST9-99-134US2	7994
23373	7590	01/27/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CHANKONG, DOHM	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750,432

Applicant(s)

NGUYEN, LYNH

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-14, 16-25 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14, 16-25 and 28-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1> This action is in response to Applicant's request for continued examination. Claims 4, 15, 26 and 27 are cancelled. Claims 1-3, 5-14, 16-25 and 28-36 are presented for further examination.

2> This is a non-final rejection.

#### *Continued Examination Under 37 CFR 1.114*

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11.4.2005 has been entered.

#### *Response to Arguments*

4> Applicant's arguments with respect to claims 1-3, 5-14, 16-25 and 28-36 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art

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are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5> Claims 1-4, 8, 10-15, 19, 21-27, 31 and 33-36 are rejected under 35 U.S.C. 103(a) as being anticipated by Polizzi et al U.S. Patent Publication No. 2002/0023158 ["Polizzi"], in view of Brendel et al, U.S Patent No. 5,774,660 ["Brendel"].

6> Regarding claims 1, 8, 19 and 31, Polizzi discloses a method, apparatus and program product (hereinafter a "system") comprising:

providing at least one interface module to interface with a remote application (105, fig. 1);

providing port module to interface between interface module and data source (agent, 130, fig. 1);

providing a connection manager to facilitate between the interface module and port module (service broker 125 fig. 1; paragraph. 21).

Polizzi does not expressly disclose connecting directly the interface module and the port module for communicating independently from the connection manager in subsequent communications.

7> Brendel discloses a system whereby a load balancer is responsible for facilitating between a user and a remote application such as a server [Figure 6]. After the connection has been facilitated, the user and the remote application may connect directly with one another

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allowing subsequent communications from the server to be sent to the user such that the load balancer is bypassed [column 9 «lines 18-21»].

It would have been obvious to one ordinary skill in the art to modify Polizzi's system to incorporate Brendel's teachings; that is, to enable direct communications between Polizzi's network interface and agents, bypassing the service broker, to reduce the amount of bandwidth that must flow through the broker [see Brendel, column 9 «lines 60-64»]. Such a modification in Polizzi's system would provide substantial improvement in Polizzi's service broker, as evidenced by the reduction in workload of Brendel's load balancer. Polizzi's service broker and Brendel's load balancer are analogous as they both responsible for establishing connections between user and remote applications [see Polizzi, 0021 & Brendel, column 6 «lines 25-26»].

8> Regarding claims 2-3, 10, 14, 21, 25 and 33, Polizzi, further, teaches a log containing an arbitrary set of parameters to reflect connection between remote application and data sources (paragraph. 61).

9> Regarding claims 11, 22 and 34, Polizzi discloses the parameter lists include data and time (paragraph 61).

10> Regarding claims 12, 23 and 35, Polizzi discloses the parameters are arranged in hierarchical relation (Fig. 5).

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11> Regarding claims 13, 24 and 36, Polizzi discloses one parameter relates to output device (database server, Fig. 6).

12> Claims 5-7, 9, 16-18, 20, 28-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polizzi and Brendel.

13> Regarding claims 5, 16 and 28, Polizzi discloses the invention substantially, as claimed, as described, including but does not explicitly disclose the group of parameter consisting of a present SQL request, a warning message, an error message, a date, a time, a previous SQL request, a feature database schema and a number of records. However, including, various parameters in a group of parameter would have been obvious to one of ordinary skill in the art that was matter of design choice, which inclusion of parameters is dictated by objective or the applications.

14> Regarding claims 6-7, 17-18 and 29-30, Polizzi discloses the system substantially, including log file contain parameters, Even though Polizzi does not explicitly discuss about reducing processing time by limiting number of parameter selected and reflected history by expanding type and number of parameter. However, such claimed feature is either inherent or implied a by-product of the system that capable of maintaining log file. Thus to expand history of interaction with number and type of parameter and limited processing time by controlling number of selecting parameters would have been obvious to one of ordinary skill in the art that was a matter of implementations choice, does not require any inventive step

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beside having a user to specify number and type of parameters. Such specifying, in fact, routinely user in searching sorting filtering data, record from all forms of database.

15> Regarding claims 9, 20, 32, Polizzi discloses the invention substantially, as claimed, as described, including hosting interface module is separate computer from data source. Polizzi does not explicitly disclose the interface is hosted in the data source computer. However, relocating interface module from other computer to data source computer is merely a part rearranging parts, which does not modify operation of the device, i.e., no matter where the interface module located it's connectivity to the port module still is being control by connection manager, which court held that is unpatentable (*In re Japikse*, 18 F.2d 1019,86 USPQ 70 (CCPA1950)).

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other prior art disclosing bypassing a connection manager:

U.S Patent Publication No. 2003|0140112 to Ramachandran et al [see Figure 1 «item 10»];

U.S Patent Publication No. 2005|0259682 to Yosef et al [see Figure 3].

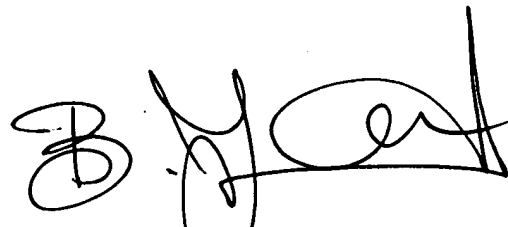
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER